

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:09cr13-8

UNITED STATES OF AMERICA,)

)

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vs.

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KENNETH LEE FOSTER.)

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ORDER

THIS MATTER is before the Court on the Defendant's *pro se* Motion for Wiretap: (Transcripts) Order an Application Civil #1:09mc00001 [Doc. 500] and Motion to Release Jenks 3500 Material [Doc. 502].

On August 26, 2009, the Defendant was sentenced to 360 months imprisonment. [Doc. 347]. He filed a notice of appeal and his appeal remains pending with the United States Fourth Circuit Court of Appeals. [Doc. 363]. On November 4, 2009, the Fourth Circuit appointed Samuel B. Winthrop to represent him on appeal. [Doc. 416].

The Rules of Practice and Procedure of the United States District Court for the Western District of North Carolina (Local Rules of Criminal Procedure) provide in pertinent part as follows:

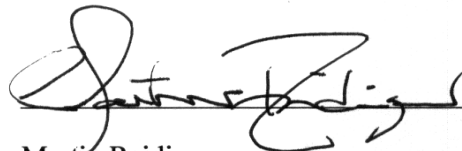
[T]he Court will not ordinarily entertain a motion filed by a criminal defendant who is still represented by counsel and has not formally waived his or her right to counsel in the presence of a judicial officer after being fully advised of the consequences of the waiver.

Loc.R.Crim.P. 47.1(H).

The Court will not entertain the Defendant's *pro se* filings which are hereby stricken from the record.

IT IS, THEREFORE, ORDERED that the Defendant's *pro se* Motion for Wiretap: (Transcripts) Order an Application Civil #1:09mc00001 [Doc. 500] and Motion to Release Jenks 3500 Material [Doc. 502] are hereby **STRICKEN** from the record.

Signed: March 9, 2010


Martin Reidinger
United States District Judge

